

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In re:

Brian Hicks Sr.

Case No. 10-80866- -
Chapter 7

Social Security Number: xxx-xx-6654
Mailing Address: 2644 Oleander Drive , Durham , NC 27703-

Debtor.

**MOTION TO CONVERT
FROM CHAPTER 7 TO 13**

NOW COMES the Debtor, by and through counsel undersigned, who, pursuant to 11 U.S.C. § 706 (a) and in accordance with Bankruptcy Rules 1017(d) and 9013, moves to convert this case from Chapter 7 to Chapter 13. In support thereof, the Debtor respectfully shows the Court as follows:

1. That a voluntary petition for relief under Chapter 7 of Title 11 of the Untied States Code was filed on May 18, 2010;
2. This case has not been previously been converted under sections 11 U.S.C. §§ 1112, 1208 or 1307;

WHEREFORE, the Debtor requests the Court to convert this case to Chapter 13, and grant such other and further relief as the Court may deem proper.

Dated: December 15, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Koury Hicks
Koury Hicks
Attorney for the Debtor
North Carolina State Bar No.: 36204
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(919) 847-9750

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CERTIFICATE OF SERVICE

I, Melissa Weaver , of the Law Offices of John T. Orcutt, P.C., certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on December 15, 2010, I served copies of the foregoing Motion To Convert, electronically, or when not feasible by regular U.S. mail, upon the following parties (names and addresses):

John Northen
Chapter 7 Trustee
Post Office Box 2208
Chapel Hill, NC 27514-2208

Bankruptcy Administrator
Post Office Box 1828
Greensboro, NC 27402

Brian Hicks Sr.
2644 Oleander Drive
Durham , NC 27703-

/s Melissa Weaver
Melissa Weaver